

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TERRELL CHAVEZ,

Plaintiff,

vs.

No. CIV 98-0806 JC/LFG

COUNTY OF CURRY, CURRY COUNTY ADULT
DETENTION CENTER, DON BURDINE, Jail Administrator,
LEE DELK, Employee, TONY PEREZ and BILL WEISS,
Jailers, and JOHN DOES I THROUGH X,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court upon Defendants Burdine, Delk, Perez and Weiss' Motion to Dismiss, filed June 11, 1999 (*Doc. 18*), and Defendants County of Curry and Curry County Adult Detention Center's Motion to Dismiss Defendants "County of Curry" and "Curry County Adult Detention Center," filed July 1, 1999 (*Doc. 20*). Counsel for the above-named Defendants advises the Court in his letters of June 11, 1999, and July 1, 1999 that Plaintiff has failed to respond to these two motions to dismiss. Pursuant to D.N.M.LR-Civ. 7.5(b), this failure to respond "constitutes consent to grant the motion." Accordingly, I find that the motions to dismiss should be granted and this entire cause dismissed with prejudice.

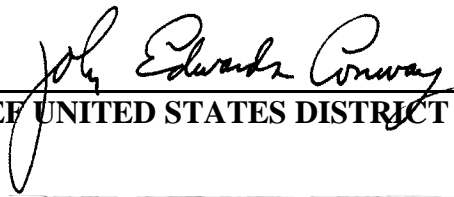
Wherefore,

IT IS ORDERED that Defendants Burdine, Delk, Perez and Weiss' Motion to Dismiss, filed June 11, 1999 (*Doc. 18*), is **granted**.

IT IS FURTHER ORDERED that Defendants County of Curry and Curry County Adult Detention Center's Motion to Dismiss Defendants "County of Curry" and "Curry County Adult Detention Center," filed July 1, 1999 (*Doc. 20*), is **granted**.

IT IS FURTHER ORDERED that this cause is **dismissed** in its entirety with prejudice.

DATED this 13th day of July, 1999.



CHIEF UNITED STATES DISTRICT JUDGE

Counsel for Plaintiff: Orlando A. Quintana
Clovis, New Mexico

Counsel for Defendants: Robert T. Booms
Paul T. Yarbrough
Butt, Thornton & Baehr, P. C.
Albuquerque, New Mexico